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October 3, 2019

Martha Meeker, Chair
State Aviation Board
Oregon Department of Aviation
3040 25th Street SE
Salem, OR 97302

*Submitted via email to:
aurora@aviation.state.or.us*

**RE: Additional Public Comment on 2019 “Re-approval” Process for
2012 Aurora State Airport Master Plan Update**

Dear Chair Meeker and Members of the State Aviation Board:

This letter of comment is a follow-up to the City’s written and oral testimony presented on September 24, 2019, regarding the very unusual “re-approval” process for 2012 Aurora State Airport Master Plan Update.

The Oregon Department of Aviation’s (ODA) undated and untitled public notice released at the end of August 2019 for the “re-approval” process for 2012 Aurora State Airport Master Plan Update states that ODA “is in the process of gathering information on the compatibility of the Federal Aviation Administration [FAA] approved 2012 Aurora State Airport Master Plan Update with applicable land use plans and statewide planning goals” for a meeting to be held in Salem on September 24, 2019. The notice notes that the “Department will prepare findings of compatibility and present the Master Plan and these findings to the Oregon Aviation Board on October 31, 2019, for adoption.” However, the notice also states that ODA “will only consider comments on the issue of compatibility with applicable land use plans and statewide land use goals.”

The City would contend that the Aurora State Airport Master Plan is a document that must satisfy both federal and state criteria. However, in terms of Oregon’s Goal 1 public involvement and applicable land-use law, FAA approval of the master plan has no role in terms of meeting Oregon’s requirements. The lack of public process, as required by Oregon law, appears to have been neglected by ODA with the erroneous assumption that FAA approval of an airport master plan provides automatically for state approval. Even at the federal level, it should also be noted that in recent conversations by the City with FAA staff, the local region is not aware of any planned runway expansion or any other major work proposed for the airport, other than removal of tree intrusions and pavement repair, not replacement.

Based on the recently and hastily scheduled September meeting, following the Friends of French Prairie's attorney's public records request, it appears that ODA does recognize that Oregon land-use and public-process Goals and laws apply to the Airport Master Plan and have not been complied with. This late recognition should also inform ODA that the 2012 Aurora State Airport Master Plan Update's 10-year-long process utterly fails the test for compliance with Oregon's Goals and laws.

I. ODA Lack of Compliance with Goal 1: Citizen Involvement

The Oregon Department of Land Conservation and Development states that "Goal 1 calls for 'the opportunity for citizens to be involved in all phases of the planning process.'" DLCD provides specific examples of citizen involvement:

1. Opportunities for widespread public involvement. Effective two-way communication with the public
2. The ability for the public to be involved in all phases of the planning process
3. Making technical information easy to understand
4. Feedback mechanisms for policymakers to respond to public input, and Adequate financial support for public involvement efforts

See www.oregon.gov/lcd/OP/Pages/Goal-1.aspx

State law requires ODA to carry out its planning duties and take actions that affect land use, "in compliance with the goals," the "rules implementing the goals," and "in a manner compatible with acknowledged comprehensive plans and land use regulations." ORS 197.180(1)(a), (b).

The history of the development of 2012 Aurora State Airport Master Plan Update demonstrates how not to comply with Goal 1.

During the development of the Master Plan, ODA appointed selected impacted stakeholders to be members of the Planning Advisory Committee (PAC). Unfortunately, however, the Committee was essentially shut-out of the master-planning process, so much so that representatives of Clackamas County, City of Wilsonville, Charbonneau Civic Affairs, Friends of Marion County and Deer Creek Estates wrote on September 14, 2010, to the Chair of the Aviation Board to complain about this lack of involvement and transparency.

As the recently adopted State Agency Coordination Agreement in 2018 by ODA demonstrates, the members of the PAC should have also included the FAA, Oregon Department of Transportation (ODOT), Oregon Department of Land Conservation, the Oregon Department of Agriculture, Confederated Tribes of the Grand Ronde (federally recognized tribal nation) and the Mid-Willamette Valley Council of Governments' Salem-Keizer Area Transportation Study (SKATS), which is the federal designated Metropolitan Planning Organization (MPO) for the Salem-Keizer area that includes the cities of Keizer, Salem and Turner, Marion and Polk

Counties, the Salem Area Mass Transit District, the Salem-Keizer School District and the Oregon Department of Transportation (ODOT) Region 2 office.

Thus, from the outset, ODA failed to adequately populate the PAC with members of the appropriate agencies needed for federal, state and local-government coordination. Additionally, ODA chose a PAC membership that 'packed' the PAC with airport-development business interests and ODA staff that constituted nearly half of the 19 PAC members.

The 2012 Aurora State Airport Master Plan Update process included for following PAC members:

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| 1. Business | Mr. Bruce Bennett - Aurora Aviation |
| 2. Business | Mr. Craig Wilmes - Aurora Jet Center |
| 3. Business | Mr. Dan Riches - Columbia Helicopters |
| 4. Business | Mr. David Waggoner - Willamette Aviation |
| 5. Business | Mr. Jim Hansen - On-Airport/Tenant |
| 6. Business | Mr. Scott Starr - Wilsonville Chamber of Commerce |
| 7. Business | Mr. Ted Millar - Aurora State Airport Business - Southend Airpark |
| 8. Business | Mr. Tony Helbling - Off-Airport/Tenant & Business - Wilson Const. Co. |
| 9. Gov-City | Councilor Steve Hurst - City of Wilsonville |
| 10. Gov-City | Mayor James Meirow - City of Aurora |
| 11. Gov-City | Mayor Melody Thompson - City of Canby |
| 12. Gov-County | Board Chair Patti Milne - Marion County Board of Commissioners |
| 13. Gov-County | Commissioner Jim Bernard - Clackamas County Board of Commissioners |
| 14. Gov-District | Mr. Fred Netter - Aurora Fire District |
| 15. Gov-ODA | Mr. Mitch Swecker - Oregon Department of Aviation |
| 16. Organization | Mr. Roger Kaye - Friends of Marion County |
| 17. Resident | Mr. Nick Kaiser - Community |
| 18. Resident | Mr. Rick Kosta - Deer Creek Estates |
| 19. Resident | Mr. Tony Holt - Charbonneau Country Club |

Additionally to "stacking the deck" with pro-development business interests that benefit financially and omitting key federal, state and local-government agencies, ODA also sideline the region's closest and primary land-use organization, Friends of French Prairie, an affiliate of 1000 Friends of Oregon.

On March 31, 2011, ODA and its consultant presented an update of the Master Plan to the Oregon Aviation Board (OAB) at a Board meeting in Salem. Of the various alternatives, the "No Build" alternative was recommended to OAB by the Department of Aviation because "a runway extension onto farmland would be infeasible because of the negative impact upon farmland." Though it was reported as such in both The Oregonian and The Woodburn Independent, that recommendation never appeared in the minutes of the OAB meeting.

At the conclusion of that Board Meeting on March 31, 2011, the Board directed ODA to work with the FAA Regional Office in Seattle about alternatives to extend the Aurora State Airport runway through 800-foot displaced threshold or 1000-foot runway extension. These two new preferred alternatives were presented to OAB on April 28, 2011, with no prior public notification or public comment period, even though this constituted a significant change in the previously recommended No Build Alternative. Rather than undertaking a thorough public-input process to vet an entirely new set of alternatives for consideration, the consultant undertook a limited outreach in less than a month between March 31 and April 28 to indicate support for airport expansion.

Shortly after OAB directed the ODA to work with the FAA's Seattle Regional Office, the FAA announced that it would support only a longer runway extension and not a displaced threshold alternative. This information was presented to the PAC on June 7, 2011, as a firm decision, a decision made without public notification, a public comment period or a public hearing, thus presenting a further violation of Goal 1.

In November 2012, ODA received a letter from the FAA confirming support for a 1,000-foot extension of the runway to the south. At some point thereafter, a revised Chapter 5 of the master plan was published without assessment or comment by the PAC or public notice that included a new "Supplemental Data" section showing a 1,000-foot runway extension to the south. Again, this publication of a vital component of a revised master plan does not meet the requirements of Goal 1. The public was never involved in any meaningful way. No public notice of this change to the original preferred alternative was given, the PAC was not informed, and no public process occurred.

ODA mistakenly assumed that the November 2012 FAA approval of a 1000-foot runway extension constituted approval of the Aurora State Airport Master Plan update for Oregon's Goals and land-use laws and processes. However, this was a fatal flaw by ODA, as later demonstrated on January 8, 2015, when ODA Aviation Planner Jeff Caines confirmed to Friends of French Prairie that ODA had discovered it did not have the required State Agency Coordination (SAC) agreements or corresponding Oregon Administrative Rules in place to approve the master plan in a manner compliant with Oregon land use laws and rules. Mr. Caines indicated that once that process is complete, "the agency will be able to address the formal adoption of airport Master Plans." This statement acknowledges the now-recognized failure by ODA to comply with the binding SAC agreements in place from ODOT and confirmed that the Aurora Airport Master Plan had not been adopted.

In early 2017, ODA issued a flowchart document entitled "State Agency Coordination Program: Adoption of Final Master Plans, Oregon Department of Aviation," delineating the steps to follow in developing and adopting final master plans. The flowchart was a product of the newly released

ODA State Agency Coordination Agreement, a document which is virtually the same as its previous Agreement. This flowchart places the "Planning Advisory Committee and Public Participation" step in the initial phase of the master planning process. This placement makes sense, as all reasonable planning processes that involve civil infrastructure begin with the establishment of community- and stakeholder-based involvement programs to advise and guide the development of public-works projects. Projects that have significant impact, environmental, social and financial, should not proceed without meaningful involvement of the affected parties.

Regardless of the stipulations of Goal 1 and its own master planning processes, ODA decided to change the order of things, starting out with a plan for a 1000-foot runway extension, securing FAA approval, and then offering the plan to the public and affected communities as more or less a done deal. As noted above, the PAC established for the Aurora Airport Master Plan was for all intents and purposes shut-out from meaningful participation of the master plan process.

Now in 2019, over 10 years after the Aurora State Airport master plan update process began in 2009, a public records request by the Friends of French Prairie led to the admission that the 2012 Aurora State Airport Master Plan Update was never appropriately adopted. A follow-up letter, by ODA Director Betty Stansbury, apparently ghost written by certain airport proponents, tries to take back that admission, but it is too late and public records demonstrate that the first letter written by Ms. Stansbury is far closer to the truth of the matter.

ODA is now seeking to obtain Master Plan approved by quickly holding an "eye-wash" public meeting on September 24, 2019, in an attempt to demonstrate compliance with Goal 1. The August 2019 ODA untitled notice for a September 24 meeting on Aurora State Airport Master Plan land use compatibility gave interested parties and communities about a month to prepare for the hearing on a 10-year-long master-planning process. Importantly, this gave communities like Clackamas County, the City of Wilsonville and the City of Aurora only a couple of weeks to notify their own citizens and receive input on their concerns. Notably, the schedule and location of the meetings or hearings—during the workday on September 24 at the Salem Airport and finally an OAB meeting on October 31 in Sunriver—further frustrate meaningful public engagement for interested and affected parties located near the Aurora State Airport to participate in this public process.

II. Lack of Land-Use and Environmental Reviews Render the 2012 Aurora State Airport Master Plan Update Incomplete and Unapprovable

Another component of the 2012 Aurora State Airport Master Plan Update process that fails the test for compliance with Oregon law is the complete lack of any land-use and environmental assessments of the proposed 1000-foot runway extension and consequent land-use and environmental impacts of the such an extensive capital project. The 2012 Aurora State Airport

Master Plan provides no analysis or information on land-use and environmental impacts of the preferred alternative to extend the runway by 1000 feet.

On its face, a 1000-foot runway extension that:

- enables greater activity at the airport which has no water, sewage, or other basic urban infrastructure or access to transit and alternative transportation modes;
- removes a key roadway (Keil Road);
- takes out of production valuable farmland;
- predictably leads to an increase in surface-transportation impacts;
- intensifies surface-water runoff without any kind of detention or treatment facility that can also contaminate groundwater;
- results in increased lead-disposition air pollution; and
- encourages real-estate speculation for development adjacent to the longer runway,

raises extensive questions and issues that require a detailed land-use assessment and environmental impact statement that can provide the public with essential information by which to evaluate the preferred alternative.

In a nutshell, OAB cannot legally approve in 2019 the fatally-flawed 2012 Aurora State Airport Master Plan Update. If OAB does adopt the plan, then OAB will do so in violation of Oregon law, therefore inviting costly protracted legal action. The better, more honest and fiscally responsible course of action is to acknowledge that the 2012 Aurora State Airport Master Plan Update process was fatally flawed and begin again, this time with the correct public process that upholds the spirit and letter of Oregon's Goals and land-use laws.

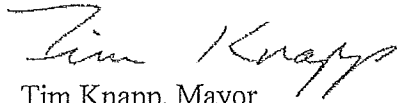
In order to provide the public with confidence that the State intends to abide by Oregon's Goals, the City requests that the Department of Aviation undertake the following:

- 1) Develop an inclusive IGA among the primary local-area governments (Cities of Aurora and Wilsonville; Counties of Clackamas and Marion) and relevant State agencies (Oregon Departments of Transportation, Agriculture, and Land Conservation and Development) to provide a public forum for the discussion and coordination of growth-related issues pertaining to land-use and surface-transportation impacts and mitigation of the Aurora State Airport.
- 2) Commence an entirely new 2020 master planning process for the Aurora State Airport by utilizing best practices for public engagement, as noted in the December 2018 PSU Oregon Solutions' *Aurora State Airport Assessment Report*, and in alignment with the document *State Agency Coordination Program: Adoption of Final Master Plans, Oregon Department of Aviation*.

The City is prepared to cooperatively work with the Department of Aviation to develop state legislation that could enable the Department of Aviation to develop an inclusive IGA and an Aurora State Airport Master Plan that complies with Oregon state law.

Thank you for your time and consideration.

Sincerely,


Tim Knapp, Mayor

cc: City Councils of the City of Aurora and City of Wilsonville; Board of County Commissioners of Clackamas County and Marion County; Chairs and Directors of Oregon Departments of Transportation, Agriculture and Land Conservation and Development; Governor Kate Brown; Senator Peter Courtney, Senate President; Representative Tina Kotek, House Speaker; US Senator Ron Wyden; US Senator Jeff Merkley; Congressman Kurt Schrader; Randall Fiertz, FAA NW Mountain Region Airports Div. Director; Joelle Briggs, FAA Seattle Office Dist. Manager